

REMARKS

The Examiner is thanked for the Official Action of March 21st, 2008. This request for reconsideration is submitted along with the attached amendment and is intended to be fully responsive thereto.

In response to the rejection in numbered paragraph 4 et seq. of the Office Action dated March 21, 2008, our remarks are as follows.

(1) Regarding Japan ('121) (Japanese Laid-open Utility Model Publication Sho 61-24121)

The Examiner has stated that "Japan ('121) discloses a chainsaw sharpener comprising substantially all of the subject matter set forth in claim 1, except for the recitation of the wall faces having a substantial X-shape as seen in plan view". The Examiner's view is incorrect and improper for the following reasons.

The chainsaw sharpener as recited in claim 1 has an advantageous feature in structure: "a guide body (8) having, formed therein, an upper plate face (80) and wall faces (81a, 81c, 81d, 81b) being pressed against a guide bar (40) of the chainsaw, which have a substantial X-shape as seen in plain view". As described in the specification of the present application as filed (lines 4 to 11 of page 7 of the English specification), the chainsaw sharpener (1) of the present invention (present application) has an advantageous feature in operation and effect: "In particular, since the guide body (8) has an X-shape (as seen in plan view) to be able to fit into and in alignment with the sharpening angle of the left or right cutting edge of the saw chain (30), an accurate sharpening angle can be obtained with almost just one-touch operation of fitting the guide body (8) into an upper part of the saw chain (30) in alignment with a direction which is aligned with an orientation of a cutter blade (32) to be sharpened, and

pressing it against the guide bar (40) of the chainsaw” (with parenthesized reference numerals added).

More specifically, when a user holding an electric motor (3) by a single hand operates the electric motor (3) so as to fit the guide body (8) into and along an upper part of the saw chain (30), and pushes the electric motor (3) forward, the wall surfaces (81a, 81b, 81d, 81c) serve as faces for pressing against a guide bar (40) of the chainsaw, whereby the guide body (8) can be stabilized in posture so as to define an accurate sharpening angle of the grinding tool (7).

On the other hand, in Japan ('121), the contact plate (23) of the guide body (13) is merely contacted on a chain, in contrast to being “fit into and along an upper part of a saw chain”. In Japan ('121), a guide line on the guide body (13) is positioned in alignment with the chain for the positioning of the sharpening angle. Thus, a problem is expected to occur that even if the guide body (13) is contacted on the chain for position alignment, the saw chain is not stabilized in posture, making it likely that the guide body (13) tilts back and forth or sideways during the sharpening work. The reason for the instability of the saw chain in posture is that the saw chain is rotatably and movably supported by a periphery of the guide bar (guide body), so that the saw chain is likely to roll. Refer to attached reference FIGs. 2(a) and 2(b) showing a portion of the chainsaw sharpener of Japan ('121), in which reference FIG. 2(a) is a cross-sectional view showing how to allow the saw chain to be supported by a periphery of the guide bar (guide body), while reference FIG. 2(b) is a cross-sectional view showing that a cutter bar (cutter blade) of the saw chain supported by the guide bar (guide body) is unstable in posture.

Thus, the chainsaw sharpener of Japan ('121) does not have advantageous features in structure, operation and effect as described above which the chainsaw sharpener of the present invention has. There is no description in the specification of Japan ('121) teaching or suggesting such features. Therefore, the Examiner's view is incorrect and improper.

(2) Regarding Ballew (US Patent 3,905,118)

As a reason for rejection, the Examiner has stated that “Ballew discloses a file guide having diverging (bent) walls to form a pair of opposed wall faces forming an X-shape as seen in plan view. To provide side wall faces on the lower surface of the guide body to aid in aligning the grinding tool with respect to the chain saw blade would have been obvious in view of Ballew”. This reason for rejection is incorrect and improper for the following reasons.

It is true that both the guide body (8) of the present application and the reference plate (10) of Ballew have an X-shape as seen in plan view and also have wall faces. However, the wall faces (81a, 81b, 81d, 81c) of the present application are significantly different from the wall faces of the Ballew in purpose of use as well as in operation and effect.

The reason why the guide body (8) of the present application has an X-shape in plan view and the wall faces (81a, 81b, 81d, 81c) is to allow the guide body (8) to fit into and along an upper part of the saw chain (30) in an orientation aligned with the sharpening angle of either the left or right top plate (cutter blade) (32, 32) so as to press the wall faces (81a, 81b) or the wall faces (81d, 81c) against the guide bar (40). This can be done in a manner that a user holding an electric motor (3) by a single hand operates the electric motor (3) so as to fit the guide body (8) into and along an upper part of the saw chain (30), and pushes the electric motor (3) forward so as to allow the multiple wall faces (81a, 81c) or the multiple wall faces (81b, 81d) to press against the guide bar 40. As a result, the guide body (8) can be stabilized in posture so as to define an accurate sharpening angle of the grinding tool (7).

In contrast, a side wall face according to Ballew serves as a stopper for holding the reference plate (10) in contact with the chain so that when the round file (24) is operated and moved backward, the reference plate (10) can be prevented from moving backward together. The side wall face is extremely insufficient to stably hold the reference plate (10) at the sharpening angle.

There are many reasons for the insufficiency of the side wall face. One of the

reasons for the insufficiency of the side wall face is that the chainsaw sharpener of Ballew has a structure to movably support the round file (24) forward and backward (return) relative to the reference plate (10). Refer to FIG. 1 of Ballew.

Another reason for the insufficiency of the side wall face is that as shown in FIG. 1 of Ballew, the side wall face, which is narrow, is structured to contact a side portion of the saw chain. Thus, it is not easy to stabilize the reference plate (10) in posture so as to hold the round file (24) in alignment with an accurate sharpening angle. In addition, as apparent from FIG. 4 and FIG. 5 of Ballew, the side wall faces of the reference plate (10) are sloped surfaces which are not suitable for contacting a side surface of, and stabilizing the posture of, the saw chain. This is more clearly shown in attached reference FIG. 1 which is a side view showing a state where a side wall face of the reference plate 10 is brought in contact with a side portion of the saw chain in Ballew. As shown in reference FIG. 1, even if the side wall face is pressed against a side portion of the saw chain, the side wall face only slightly contacts an upper part of the saw chain. Furthermore, as apparent from reference FIGs. 2(a) and 2(b), the saw chain is movably supported by a periphery of the guide bar (made of metal), making it likely that the saw chain rolls, so that it is not easy to stabilize the saw chain by merely pressing the reference plate (10) against the saw chain.

Yet another reason for the insufficiency of the side wall face can be shown in attached reference FIGs. 3 and 4, in which reference FIG. 3 is a view of FIG. 2 of Ballew as seen from the bottom thereof, while reference FIG. 4 is a view showing that the file guide in Ballew is not suitable for position alignment of the sharpening angle. Assume that the side wall face (4) is brought in contact with the saw chain as shown in reference FIG. 3. Even under this assumption, the orientation of the reference plate (10) is likely to change as shown in reference FIG. 4 unless the reference plate (10) is pressed by hand to fix the posture of the reference plate (10), causing a significant misalignment of the sharpening angle of a round file (24).

Basically, the position alignment of a grinding tool (7) with a cutting blade of a chainsaw is made possible by stabilizing the guide body (8) in posture and by defining

an accurate sharpening angle of the grinding tool (7). This is made possible by the present invention. In contrast, the reference plate (10) of Ballew is supported by a saw chain in an unstable posture, and the side wall faces of the reference plate (10) is extremely insufficient to define the sharpening angle of the round file (24) as described above.

For these reasons, the Examiner's reason for rejection is incorrect and improper.

(3) Regarding Aksamit (US Patent 4,440,045)

As a reason for rejection, the Examiner has stated that "Aksamit ('045) discloses a chainsaw sharpener having guide wall faces which are pressed against a guide bar of the chainsaw to stabilize the sharpening tool during use. To simply extend the depending side wall faces on the chainsaw sharpening tool of Japan ('121) to contact the chainsaw guide bar in order to stabilize the sharpening tool during use, for more precise sharpening of the cutting edges, would have been obvious in view of Aksamit ('045)". The Examiner's view is incorrect and improper for the following reasons.

In contrast to the chainsaw sharpener of the present invention, the chainsaw sharpener apparatus of Japan ('121) is of a type that requires the entire apparatus to be changed in orientation when a cutter blade to be sharpened is changed from a cutter blade in one orientation to another cutter blade in a different orientation. Furthermore, in contrast to the chainsaw sharpener of the present invention, the chainsaw sharpener of Aksamit ('045) is of a type that requires the electric motor to be changed in orientation which allows the grinding stone (90) to be closer to the rear web portion (13) when a cutter blade to be sharpened is changed from a cutter blade in one orientation to another cutter blade in a different orientation.

Both the chainsaw sharpener of Japan ('121) and that of Aksamit ('045) are completely different in structure, use, operation and effect from that of the present invention in which a user holding an electric motor (3) by a single hand operates the electric motor (3) so as to fit the guide body (8) into and along an upper part of the saw chain (30), and pushes the electric motor (3) forward so as to allow the multiple wall

faces (81a, 81c) or the multiple wall faces (81b, 81d) to press against the guide bar 40.

Thus, both the chainsaw sharpeners of Japan ('121) and Aksamit ('045) cited by the Examiner are so significantly different in structure, use, operation and effect from the chainsaw sharpener of the present invention that the Examiner's view that "to simply extend the depending side wall faces on the chainsaw sharpening tool of Japan ('121) to contact the chainsaw guide bar would have been obvious in view of Aksamit ('045)" is incorrect and improper.

For your reference, we are also enclosing herewith reference Figs. 5 and 6. Fig.5 shows a situation just before sharpening a cutting edge of a cutter blade. Fig.6 shows a situation in which a cutting edge of a cutter blade is being sharpened.

Conclusion

In view of the above, Applicant respectfully submits that Claim 1 recites statutory subject matter that is novel and new, is subject matter of the present invention and is fully supported in the disclosure of the present invention, and therefore respectfully requests that Claims 1 be found allowable and that this application be passed to issue. Applicant also amended the paragraphs [0042] and [0045] to cancel all the changes made in the previous amendments submitted on January 8, 2008. No new matter has been included.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 50-2069, **referencing docket number 054-602.**

Respectfully submitted,

By: /Tracy M Heims/
Tracy M. Heims
Reg. No. 53,010

Apex Juris, pllc
Lake City Center, Suite 410
12360 Lake City Way Northeast
Seattle, Washington, 98125
Email: usa@apexjuris.com
Phone (206) 664-0314
Fax (206) 664-0329